

THE BOSTANY LAW FIRM

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February 12, 2008

Hon. Debra C. Freeman
United States Magistrate Judge
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

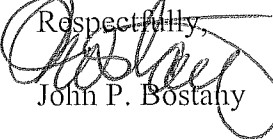
Re: *GMA v. Eminent, Inc., et. al*
Docket No.: 07 CV 3219 (LTS) (DF)

Your Honor:

At telephone conference held on February 7, 2008, your Honor made certain rulings concerning the CHARLOTTE B LLC subpoena pursuant to a consent to your jurisdiction by all parties. A copy of a letter written to Mr. Grand immediately following our February 7 telephone conference is annexed.

Thereafter, in a conference among counsel, Mr. Grand requested that the CHARLOTTE B, LLC deposition be held at this office beginning at 2 pm on February 21, 2007. The subpoena was originally returnable on January 4. I agreed to Mr. Grand's request as did counsel for co-defendant Eminent, Inc. However, we forwarded a stipulation to Mr. Grand that he refuses to sign. See email from Mr. Grand attached confirming the above but refusing to sign stipulation.

As the court may recall, Mr. Grand previously failed to produce several witnesses for defense depositions that had been confirmed via the same process, a letter agreeing to exact dates, times and locations. See exhibit C to our February 7 submission to your honor. As such, we are particularly concerned by Mr. Grand's refusal to sign the stipulation and inasmuch as there is no quarrel about the date, time and location being agreeable to all, we respectfully ask that your Honor so order the annexed Order.

Respectfully,

John P. Bostany

Enclosures

cc: Robert Grand, Esq. (via email)
Robert Carillo, Esq. (via fax)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GMA ACCESSORIES, INC.

Plaintiff,

- against -

EMINENT, INC., SAKS FIFTH AVENUE, INC.,
INTERMIX, INC., WINK NYC, INC., LISA KLINE,
INC., GIRLSHOP, INC., SHOWROOM SEVEN
STUDIOS, INC., JONATHAN SINGER, LEWIS
TIERNEY and JONATHAN SOLNICKI,

Defendants.
-----X

ORDER

Civil Action No.: 07CV3219 (LTS) (DCF)

WHEREAS, a subpoena was issued for the deposition of non party CHARLOTTE B LLC, out of the Eastern District of Pennsylvania to take place in Philadelphia; on consent, it is

ORDERED that the CHARLOTTE B, LLC deposition will be held at the office of plaintiff's counsel in New York and will commence at 2 p.m. on February 21, 2008

Dated: New York, New York
February __, 2008

SO ORDERED: _____
Hon. Debra Freeman, U.S.M.J.

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February 7, 2008

Robert J. Grand, Esq.
Dreier LLP
499 Park Avenue
New York, NY 10022

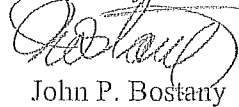
Re: *GMA v. Eminent*

Dear Mr. Grand:

This will confirm that today Judge Freeman ordered you to use your "best efforts" to produce CHARLOTTE B, LLC for deposition before February 29, 2008 and to produce its orders and invoices with respect to the remaining parties in the case at least a week in advance of the deposition date. We were told to contact Chambers in the event that the deposition is not scheduled soon. Judge Freeman encouraged you to get it scheduled in advance of February 29 and not to wait until the middle of February to start scheduling this.

It was further directed that the depositions of the retailer defendants be scheduled to be held during the first two weeks of March. You were also directed to meet and confer with us concerning your discovery concerns and encouraged to involve those attorneys in your firm that have similar discovery concerns with us on another case.

Sincerely,



John P. Bostany

cc: Robert Carillo, Esq.

From: Robert Grand [mailto:rgrand@dreierllp.com]
Sent: Monday, February 11, 2008 1:05 PM
To: john@bozlaw.com
Cc: Robert C. Carrillo; crystal.scott@bozlaw.com; Ira S. Sacks; Jennifer Daddio
Subject: RE:

John,

As I said on the phone, the time (2/21/08 at 2pm) and place (your office) of the Charlotte B deposition is confirmed and there is no need for a stipulation.

Robert J. Grand
Partner

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499 Park Avenue
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www.dreierllp.com

-----Original Message-----

From: Crystal S. A. Scott [mailto:crystal.scott@bozlaw.com]
Sent: Monday, February 11, 2008 12:29 PM
To: Robert Grand; 'Robert C. Carrillo'
Cc: john@bozlaw.com
Subject:

I am glad that we were all able to meet and confer on this case and to address all of defense counsel's discovery questions.

With regard to the Charlotte B, LLC deposition, please sign and return the enclosed stipulation which I believe captures the agreement we reached on the telephone.

Crystal S. A. Scott, Esq.
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